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Tribute to Chief Justice Michael A. Wolff

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TRIBUTE TO CHIEF JUSTICE MICHAEL A. WOLFF

THE HONORABLE STEPHEN N. LIMBAUGH, SR.*

Although the Herculean efforts of Dr. William Danforth in mediating a settlement of the St. Louis City school desegregation case¹ can never be diminished, there were other participants in the negotiation process who were vital to its success. One of these was Michael A. Wolff.²

The case was filed in 1972 and continued until the settlement agreement was reached in 1999. Four judges presided over the case, only two of whom survive. Even the initial plaintiff has not survived. The litigation involved numerous plaintiffs as school children in the St. Louis City school district, the Board of Education of the City of St. Louis, the United States, the State of Missouri and various administrative and elected officers of the State, more than twenty-five St. Louis County school districts, as well as the Special School District. After determining that there was unconstitutional segregation of African-American students in the St. Louis public school district, the court, throughout the litigation, attempted to remediate the effects of past segregation. This involved the busing of some children to participating St. Louis County school districts, the implementation of magnet schools, quality education initiatives, part-time educational programs, the closing of some schools, the renovation of others, and financing.

Although the State of Missouri had been ordered to participate in the financing of the desegregation projects, the argument was always advanced that some cap be placed on the State's required financial contribution. During the settlement mediation process, Dr. Danforth met regularly with counsel of record for all of the parties, as well as others who were instrumental in the negotiation process. All realized that financing a settlement was one of the key problems.

At that point, Judge Wolff came on the scene. He had served as Chief Counsel to Governor Mel Carnahan from 1993 to 1994 and was Special Counsel to the Governor from 1994 to 1998. As a behind-the-scene player he, too, recognized the fiscal problem in financing a settlement of the

* Senior District Judge, United States District Court for the Eastern District of Missouri.

1. Liddell v. Bd. of Educ., No. 4:72CV100-SNL, 1999 WL 3314210 (E.D. Mo. Mar. 12, 1999).

2. Michael A. Wolff became Chief Justice of the Supreme Court of Missouri on July 1, 2005.

desegregation case. As counsel for the Governor, Judge Wolff was involved with the desegregation litigation both in St. Louis and in the Kansas City case as well. He was intimate with many members of the Missouri General Assembly and was on friendly terms with members on both sides of the aisle.

Wolff understood the undercurrent feeling between Kansas City and St. Louis legislators and so-called "out-state legislators." He was aware of the rift between urban and rural representatives because of the feeling that out-state school districts were being slighted because of the necessary funding required in the St. Louis and Kansas City desegregation programs. He was cognizant of the feeling by many out-state legislators that the school districts in the areas that they represented were not receiving funding commensurate with that made available to urban districts. Accordingly, Wolff knew quite well that there must be some way to assuage the feeling of many state representatives that there should be some equality in educational funding.

In an attempt to ameliorate the funding dispute in settlement of the St. Louis desegregation program, Wolff was the principal author of Missouri Senate Bill 781. Among other things, the Bill provided that the State of Missouri would pay certain sums per year to the St. Louis City schools for capital improvements and other needs for a limited time, provided that the voters of St. Louis pass a sales or property tax which, with State payments, would generate approximately \$60,000,000 in additional funding for the St. Louis schools.³

The Bill was debated on the floor of the Senate, sometimes with impassioned arguments. Throughout, Wolff, exercising the utmost charisma, persuaded both urban and out-state legislators to vote for the legislation. He urged that the bill could be a part of a settlement plan that ultimately would create financial stability for school funding not only in the urban areas but outlying state school districts as well. Many legislators opposed the Bill, but Wolff, using all of his warm, personal characteristics was able, with the assistance of others, to prevail upon a sufficient majority to secure passage. Once the funding Bill was passed, Dr. Danforth had his necessary tool to implement the settlement.

In the memorandum and order approving the settlement agreement, the court noted that

[t]he passage of S.B. 781 was an extraordinary feat. Many legislators voted in favor of the bill when numerous constituents were opposed. Without the financing provided by the bill a settlement would not have been possible. The Missouri legislative branch of the government has thus played a vital role in the settlement process. It represents government in its best form.⁴

3. There are numerous other provisions of the Bill concerning the financing that are not set out here in detail.

4. *Liddell*, 1999 WL 3314210, at *8.

Again, in approving the settlement, the court reaffirmed the law that there shall be no school segregation, and with the settlement, the business of running the schools and the educational process was returned to the professional administrators, teachers, and staff.

While the settlement was not a panacea, it represented the best interests of all of the parties involved and the general public. Without the efforts of now Chief Justice Michael A. Wolff, who almost single-handedly brought about the financing of the settlement, it would never have been achieved.

